

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

WINDELS MARX LANE & MITTENDORF, LLP  
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New York, NY 10019  
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*Counsel for Alan Nisselson,  
Distribution Agent and Responsible Officer  
Of Chapter 11 Debtor MarketXT Holdings Corp, et. al., Appellee*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT NEW YORK**

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In re	:	
	:	
EMPYREAN INVESTMENT FUND, LP,	:	
EMPYREAN GENERAL PARTNER, LLC, ASH	:	
MASTER FUND II, LLC, ASH MASTER FUND,	:	
LP, ASH FUND, LP, f/k/a ASH CAPITAL	:	
MANAGEMENT. ASH GENERAL PARTNER,	:	
LLC, ASH OFFSHORE FUND, LTD, ASH	:	
GENERAL PARTNER OFFSHORE, LTD, et al.	:	
	:	Docket No. 08-cv-06938 AKH
Appellants	:	
	:	
v.	:	
	:	
ALAN NISSELSON AND OFFICIAL	:	
COMMITTEE OF UNSECURED CREDITORS,	:	
	:	
Appellees	:	
-----	X	

**NOTICE OF APPEARANCE OF COUNSEL**

PLEASE TAKE NOTICE, that the undersigned hereby appears as counsel for the  
Appellees, as of the date hereof and requests service of all notices and documents herein upon:

WINDELSMARX LANE & MITTENDORF, LLP  
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Email: ([hsimon@windelsmarx.com](mailto:hsimon@windelsmarx.com))  
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Dated: New York, New York  
August 19, 2008

Respectfully submitted,

WINDELS MARX LANE & MITTENDORF LLP

/s/ Howard L. Simon

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*Counsel for Alan Nisselson,*

*Distribution Agent and Responsible Officer,*

*Appellee*

**Certificate of Service**

I, Tracy E. Heston, hereby certify that on this 19<sup>th</sup> day of August 2008, I caused a true copy of the foregoing Notice of Appearance, to be served electronically upon all parties listed in the ECF System for this matter.

/s/ Tracy E. Heston

TRACY E. HESTON